

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

ELAINE L. CHAO, Secretary of Labor,  
United States Department of Labor,

Plaintiff,

vs.

Case No. 06-CV-10055  
HON. GEORGE CARAM STEEH

THOMAS TADDIE, JENNIFER M. TADDIE, and  
TADCO, INC. 401(K) PLAN,

Defendants.

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ORDER DISMISSING SHOW CAUSE ORDER (#5)

Plaintiff Secretary of Labor filed a complaint on January 5, 2006 alleging defendants Thomas Taddie and Jennifer Taddie are liable as co-fiduciaries under various provisions of the Employee Retirement Income Security Act of 1974 ("ERISA"), 29 U.S.C. § 1101 et seq., for failing to remit Tadco, Inc. employee contributions to defendant Tadco, Inc. 401(k) Plan ("Plan"), and failing to allocate forfeitures to Plan participants pursuant to Plan documents. Thomas Taddie is alleged to be the sole Plan trustee, while Jennifer Taddie is alleged to be the President and sole shareholder of Tadco, Inc., which allegedly ceased operations in May 2004. Plaintiff named Plan as a corporate defendant "solely to ensure that complete relief can be granted." Complaint, ¶ 4, at 2. Waivers of service as to all three defendants was filed with the court on February 24, 2006. Almost four months later, on June 22, 2006, the court issued an Order requiring plaintiff to show cause by July 10, 2006 why this action should not be dismissed for lack of prosecution. On June 29, 2006, plaintiff filed a timely response, representing that the defaults of defendants Thomas and Jennifer Taddie were entered by the Clerk of the Court on June 23, 2006, and that plaintiffs

filed a motion for default judgment against Thomas and Jennifer Taddie on June 23, 2006. A review of the pleadings shows that plaintiff named the Plan as a defendant for the limited purpose of ensuring that complete relief may be obtained from the defendants Thomas and Jennifer Taddie on behalf of Plan and its beneficiaries. The court anticipates that defendant Plan will be dismissed from this lawsuit if and when plaintiff recovers complete judicial relief against defendants Thomas Taddie and Jennifer Taddie. Accordingly,

The court's June 22, 2006 show cause order is hereby DISMISSED notwithstanding plaintiff's failure to take further action to date against defendant Plan.

SO ORDERED.

s/George Caram Steeh  
GEORGE CARAM STEEH  
UNITED STATES DISTRICT JUDGE

Dated: July 7, 2006

CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys of record on July 7, 2006, by electronic and/or ordinary mail.

s/Marcia Beauchemin  
Courtroom Deputy Clerk